

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS EL, :
Plaintiff, : **Civil Action No.: 02CV3591**
v. :
SOUTHEASTERN PENNSYLVANIA :
TRANSPORTATION AUTHORITY, :
Defendant and :
Third Party Plaintiff, :
vs. :
King Paratransit Service, Inc., et al. :
: Third Party Defendants.

RULE 56.1 STATEMENT OF THIRD PARTY DEFENDANT

1. The First Amended Class Action Complaint (the "Complaint") dated November 13, 2002, avers that the Southeastern Pennsylvania Transportation Authority ("SEPTA") imposed an illegal employment policy on all its paratransit service providers, prohibiting the hiring or continued employment of any person with any felony or misdemeanor conviction.

2. Krapfs, CPS, Inc. ("Krapfs") executed a sub-contract (the "Sub-contract") with SEPTA, as a paratransit service provider, which included a bar upon hiring or continued employment similar to that alleged in the Complaint, to wit:

"No record of driving under the influence (DUI) of alcohol or drugs, and no record of any felony or misdemeanor conviction for any

crime of moral turpitude or of violence against any person(s); "

3. The sub-contract contains a provision requiring Krapfs to defend and indemnify SEPTA against any claims.
4. This general indemnification provision makes no reference to intentional torts of SEPTA.

Dated: Jericho, New York
August 25, 2003

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